



**National Crime Prevention and Privacy Compact**  
**COMPACT COUNCIL MEETING**  
**MINNEAPOLIS, MN**  
**MAY 18-19, 2004**  
**MINUTES**

Lieutenant Colonel (Lt. Col.) Jeffrey D. Harmon, Chairman, National Crime Prevention and Privacy Compact Council (Council), called the Council meeting to order at 9:00 a.m. on May 18, 2004, in the Minnesota Ballroom of the Sheraton Minneapolis West Hotel in Minnetonka, Minnesota.

Mr. Todd C. Commodore, FBI's Criminal Justice Information Services (CJIS) Division's Compact Officer, conducted roll call of the Council members. The following Council members, or their proxies, were in attendance.

**State Compact Officers:**

- Ms. Debbie McKinney, Oklahoma State Bureau of Investigation  
(Proxy for Mr. Rusty Featherstone)
- Lt. Col. Jeffrey D. Harmon, Maine State Police
- Mr. Paul Heppner, Georgia Bureau of Investigation
- Mr. Wilbur Rehmann, Montana Department of Justice
- Ms. Martha Wright, Florida Department of Law Enforcement  
(Proxy for Ms. Donna Uzzell until her arrival)
- Major Mark Huguley, South Carolina Law Enforcement Division
- Ms. Diane Schenker, Alaska Department of Public Safety
- Lt. John O'Brien, New Jersey Division of State Police
- Mr. David Sim, Kansas Bureau of Investigation

**State/Local Criminal Justice Agency Representative:**

- Vacant

**Federal Noncriminal Justice Agency Representative:**

- Ms. Kathy Dillaman, Office of Personnel Management

**Federal Criminal Justice Agency Representative:**

- Ms. Winona Varnon, Office of Personnel Management

**Advisory Policy Board Representative:**

- Mr. Frank Sleeter, Sun Prairie Police Department, Sun Prairie, Wisconsin

**Federal Bureau of Investigation:**

- Mr. Michael D. Kirkpatrick, FBI, CJIS Division
- Other meeting attendees introduced themselves and the agency they represented  
(Attachment 1).

The Council approved the minutes from the October 2003 meeting as its first order of business.

**Compact Council Action:** Mr. Rehmann made a motion to approve the October 2003 minutes. The motion was approved by acclamation.

**Topic 1**      **Standards Committee Report on the National Fingerprint File (NFF)**  
**Qualification Requirements draft Rule and Notice**

Ms. Paula A. Barron, FBI's CJIS Division staff, presented this topic from the February 2004 Standards Committee meeting, at which the Committee approved the state NFF Qualification Requirements. The Committee requested FBI staff to draft a proposed rule for publication in the Federal Register that requires participating NFF states to meet the Qualification Requirements.

Currently, seven party states participate in the NFF program and seven additional states are preparing to participate in the NFF program. The Compact requires party states to participate in the NFF program, but does not indicate a timeline for participation. Chairman Harmon sent letters to the State Compact Officers in non-NFF participating states asking them to submit their state's plans for NFF participation to the FBI Compact Office. The Council will review the state plans and each new Compact state will receive a similar letter requesting their plan for NFF participation.

The draft NFF Qualification Requirements Rule states that FBI's CJIS Division's Audit staff will measure the NFF participating state's performance in the program via audit criteria established in accordance with the state Qualification Requirements. The draft NFF Qualification Requirements Rule does not include the NFF Qualification Requirements themselves, as they may be periodically revised. A separate notice, referenced in the NFF Qualifications Requirements Rule to be published on the same day, includes the actual state and FBI NFF Qualification Requirements.

At its April 2004 meeting, the Standards Committee reviewed the notice and the draft NFF Qualifications Requirements Rule and made no revisions. Both documents were provided for the Council's discussion and final approval for publication.

Mr. Michael Timmerman, Arizona Department of Public Safety, asked the Council to examine and review the definition of a technical search provided as a footnote on page 9 of the NFF Qualification Requirements Notice. Mr. Timmerman noted that for civil fingerprint identifications, Arizona creates a candidate list from a name search and then attempts to identify the subject by a comparison of fingerprints without completing an Automated Fingerprint Identification System (AFIS) search. Arizona forwards its civil fingerprints to the FBI's CJIS Division when the name check for potential candidates results in a non-identification.

Mr. Timmerman noted, according to the footnote on page 9, when processing civil fingerprints following a non-identification based on a name search and fingerprint comparison, then the state should conduct a technical search of its AFIS prior to forwarding the fingerprints to the FBI's CJIS Division. Therefore, Mr. Timmerman felt Arizona would not be in compliance because of its AFIS' technical limitations. The Council concluded this issue merited further discussion and, therefore, referred the issue to the Standards Committee. Additionally, they recommended that the language regarding the footnote be clarified and suggested the following proposed language:

*"A technical search may consist of a name search with positive identification made through candidate verification by fingerprint comparison. If positive identification is not made by this means, a manual or AFIS search of the state master fingerprint file is required".*

**Compact Council Action: Mr. Rehmann made a motion to approve the endorsement of the Rule and the Notice as provided in the topic paper with a change to the language regarding the footnote on page 9 (see sample language above in italics). Additionally, Mr. Rehmann made a motion to refer the policy issue back to the Standards Committee for further discussion. Following the FBI's Office of General Counsel (OGC), the Department of Justice's Office of Legal Counsel (OLC), and the Standards Committee reviews, the NFF Qualifications Requirements Rule will be provided to the Council for a review before final adoption. The motion was seconded by Major Huguley. The motion carried.**

## **Topic 2**      **NFF Program Participation Update**

Mr. Gary Barron, FBI's CJIS Division staff, presented this topic. Mr. Barron provided an update on NFF participation (**Attachment 2**). He identified Florida, New Jersey, North Carolina, Oregon, Montana, Oklahoma and Colorado as NFF program participants. The following Compact states have requested NFF on-site assessments: Nevada, Iowa, Maine, Connecticut, Georgia, South Carolina, Tennessee and Arizona. Kansas is planning for the FBI's CJIS Division to conduct an NFF on-site assessment in the near future. In addition, Idaho is examining the prospects of enacting the Compact and participation in the NFF program.

Mr. Barron explained that once a state signs the Compact, it should start assessing the feasibility of participating in the NFF program. Mr. Barron identified himself as the FBI's CJIS Division's Point of Contact (POC) for the NFF program participation. A state should contact Mr. Barron at (304) 625-2714 to establish a date for an on-site assessment. The state should then send an official request to the Programs Development Section (PDS) for the FBI's CJIS Division staff to conduct an NFF on-site assessment. Mr. Barron will confirm the date in writing 30 days in advance of the scheduled date of the assessment. Once the date is confirmed, PDS staff will compile an NFF on-site assessment booklet with information regarding the state's performance as a Interstate Identification Index (III) System participant. PDS staff will examine their III System participation success in relation to the NFF program requirements. PDS staff will conduct a statistical evaluation of

the state's Integrated Automated Fingerprint Identification System (IAFIS), with special attention to the criteria regarding errors noted in the state NFF Qualification Requirements. PDS staff will analyze the previous six months of III System messages and statistics regarding Criminal History Record (CHR) requests and provide statistical comparisons of state and FBI pointers. The NFF on-site assessment booklet will include a statistical assessment, state NFF Qualification Requirements, and the NFF operations plan, which provides an assessment of the state's status regarding its progress toward participation in the NFF program. PDS staff will provide the NFF on-site assessment booklet 14 days prior to their scheduled visit. PDS staff along with other appropriate FBI's CJIS Division staff and state representatives will discuss the NFF program and on-site assessment booklet provided to the state. The NFF on-site assessment generally requires two days. FBI's CJIS Division staff discusses technical and operational changes required to implement the NFF program. At the conclusion of the NFF on-site assessment visit, the state representatives and FBI's CJIS Division Staff determine the appropriate action items and PDS staff provides a written report regarding the NFF on-site assessment.

After completion of the NFF on-site assessment, the state should determine an estimated participation date. The state should contact the FBI's CJIS Division's NFF POC and make arrangements for a briefing regarding the assessment and action items. PDS staff will evaluate estimated participation dates based on IAFIS technical upgrades. Once a participation date is determined, the state should send a written request to PDS eight weeks prior to the scheduled NFF program participation date. PDS Staff will then confirm the participation date and will schedule testing required for NFF program participation. PDS staff will continue to provide statistical updates to the state, as well as to the Standards Committee and the Council.

**Compact Council Action:** This topic was accepted as information only.

**Topic 3**      **Update from Transportation Security Administration (TSA) to Discuss Implementation of Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001**

Mr. John Berry, TSA, presented this topic, (**Attachment 3**). Mr. Berry informed the Council that the Interim Final Rule was published on May 5, 2003. In April 2004, the start date for fingerprinting was moved to January 31, 2005, with the development of the fingerprint submission program to begin by January 31, 2005.

Currently, TSA is working with the American Association of Motor Vehicle Administrators (AAMVA) regarding the issue of obtaining data from the states. TSA is examining possible AAMVA connectivity to notify state Department of Motor Vehicles of the results of the fingerprint checks.

TSA is developing a proposed Fee Rule, a Process Rule, and a fingerprint specification paper. An Information Technology System is under development with a deployment target date of June 15, 2004. TSA has requested a Hazardous Materials (Hazmat) POC from all states and the District of Columbia. TSA plans to include the state POC's to assist in evaluating the status of its program. TSA

will use the state POC's input to determine the resources required to implement a pilot program. TSA stressed that states should consider other avenues of support in fulfilling the requirements, especially in the area of fingerprint collection and submission. TSA intends to be ready January 31, 2005. In addition, TSA asked the Council for assistance by preparing an Interim Rule for outsourcing so TSA may use contractor support for the adjudicatory process of the fingerprint-based checks.

Mr. Berry, on behalf of TSA, welcomed the Council's support and assistance as TSA implements this process. TSA intends to conduct more policy meetings and to include the Council. TSA plans to conduct teleconferences and meetings with the Hazmat state POC's following the completion of the fingerprint specifications.

Mr. Berry agreed to clarify and provide information regarding the agency notification process by Immigration & Customs Enforcement (ICE) for National Crime Information Center (NCIC) Wanted Person hits. Mr. Berry explained that he would attempt to clarify the NCIC Wanted Person "hit" procedures by ICE and provide that information to the Council. Mr. Berry agreed to contact the Hazmat POC's for approval to distribute the Hazmat POC list to the State Compact Officers and to the state central repository administrators.

**Compact Council Action: This topic was accepted as information only.**

#### **Topic 4      Standards Committee Report on Noncriminal Justice Outsourcing**

Mr. Todd C. Commodore, FBI's CJIS Division's Compact Officer, provided a brief overview of the three handouts regarding Noncriminal Justice Outsourcing. The first handout reviewed was handout 4-a, the Outsourcing Rule. Minor changes were made to the rule since the October 2003 Council meeting. FBI's CJIS Division Council staff included preamble language for federal publication and changes that resulted from the February 2004 and April 2004 Standards Committee meetings.

Next, Mr. Commodore reviewed handouts 4-b and 4-c. This marked the first time the Outsourcing Standards were reviewed by the Council. The Standard for Nonchannelers (Handout 4-b) will be used by agencies who submit Criminal History Record Information (CHRI) via an FBI's CJIS Division system agency. This standard will be used by two different types of agencies. The first type constitutes agencies not authorized to submit fingerprints directly to the FBI's CJIS Division and the second type represents a governmental agency, such as Office of Personnel Management (OPM), who is authorized to submit fingerprints directly to the FBI's CJIS Division. This handout is the standard for Contractors having access to CHRI on behalf of an Authorized Recipient.

Handout 4-c will be used by Contractors who are approved to have a direct connection to the FBI's CJIS Division's Wide Area Network (WAN). Contractors will be able to send and receive information directly from the IAFIS system. The difference between Handout 4b and 4c is that the FBI's CJIS Division's Security Policy has been extracted and incorporated into Handout 4-c.

Next, Mr. Bob McKeever reviewed changes made to the Outsourcing Rule based on discussions held at the February 2004 and April 2004 Standards Committee meetings.

Then, the Council reviewed the Standard for Nonchannelers (Handout 4-b) in detail. FBI's CJIS Division's Council staff incorporated changes as agreed upon at the February 2004 and April 2004 Standards Committee meetings.

The Council did not review the Standard for Channelers (Handout 4-c). Chairman Harmon requested that any comments on this standard should be forwarded to Mr. Commodore.

**Compact Council Action:** Mr. Rehmann made a motion for the Council to adopt the Rule with the suggested changes and continue with the Rule process. If the Council receives any substantive comments from OGC, then the Council will review the Outsourcing Rule again. The motion was seconded by Mr. Heppner. The motion carried.

**Compact Council Action:** Mr. Rehmann made a motion that the Council adopt the Security and Management Control Standards for Contractors and Channelers with the suggested changes and continue with OGC's review of the Standards and have them published as a Proposed Rule with comments. Once the Council receives substantial changes from OGC, the Standards will be returned to the Council for review prior to publication. Mr. Sim seconded the motion. The motion carried.

The Council discussed TSA's request to outsource the screening and adjudication of CHRI. Since the Outsourcing Rule will not be published in time to meet the needs of TSA, the Council agreed to approve an Interim Final Rule for TSA until the Outsourcing Rule for everyone is published.

**Compact Council Action:** Mr. Rehmann made a motion that the Council prepare a limited scope Interim Final Rule for TSA, with the following contingencies:

1. TSA must submit a written request for the need to implement the outsourcing function prior to the adoption of the Rule.
2. TSA must submit a plan to implement the background checks.
3. TSA must provide documentation from their legal advisors that they have the appropriate legal authority to outsource.

The motion was seconded by Ms. Varnon. The motion carried.

**Topic 5**      **Final Report on the National Fingerprint-based Applicant Check Study (N-FACS)**

Mr. Gary L. Williams, FBI's CJIS Division staff, and Mr. Scott Swann, FBI's CJIS Division staff, provided an overview of the N-FACS and the components that contributed to the final report (**Attachment 4**). By way of background, in July 1999, the III Name Check Efficacy Study identified the need to lessen the use of and ultimately eliminate name checks for civil applicant background checks. In June 2000, the FBI's CJIS Advisory Policy Board (APB), Public Safety Strategy (PSS) Subcommittee identified the necessity to develop a proposal for a national, rapid, and positive fingerprint-based identification background check system for noncriminal justice purposes. In support of the III Name Check Efficacy Study and the recommendations of the PSS Subcommittee with the support of the Council, Mr. Kirkpatrick agreed to have the FBI's CJIS Division assemble a team to conduct the N-FACS. The mission of N-FACS was to conduct a study and produce a final report exploring the feasibility of fielding a national, rapid, and positive fingerprint-based identification background check system for authorized noncriminal justice purposes.

**Compact Council Action:**    **The Council agreed to discuss any motions related to the N-FACS study following the discussion about Topic #6, Positive Identification.**

**Topic 6**      **Definition of Positive Identification**

Mr. Scott S. Phillips, FBI's CJIS Division staff, presented information regarding the definition of positive identification. Mr. Phillips mentioned that as a result of the terrorist attacks in 2001 and subsequent congressional mandates, such as the USA PATRIOT Act of 2001, federal agencies have been mandated to conduct almost immediate background checks for employment and licensing purposes with an unprecedented number of individuals. To facilitate these fingerprint background checks, some federal agencies have approached the FBI's CJIS Division to submit fingerprints using less than ten rolled fingerprints, which has been the generally accepted standard. As a result of these requests, Mr. Kirkpatrick contacted the Council Chairman to request further discussion and information regarding the Council's definition of positive identification.

**Compact Council Action:**    **Motion 1**    **Ms. Uzzell made a motion that the Council define one method of positive identification based on a submission of ten-rolled fingerprints with verification of identification by a comparison of fingerprints. Mr. Rehmann seconded the motion. The motion carried.**

**Compact Council Action:**    **Motion 2**    **Mr. Rehmann made a motion that the Council accept the Standards Committee recommendation that ten-flat fingerprints comprise another standard for determining positive identification for noncriminal justice purposes so long as the reliability meets or exceeds the FBI's CJIS Division's IAFIS specifications and there is no degradation of IAFIS services. The motion carried.**

**Compact Council Action:**    **Motion 3**    Mr. Rehmann made a motion that the Council accept the Standards Committee recommendation to endorse the near-term implementation (within six months) accompanied by a standard for capture devices as explained in the N-FACS report and that the FBI move forward with implementation as long as there is no degradation to IAFIS services.    The motion carried.

**Compact Council Action:**    The Council endorsed future FBI fingerprint pilots, whereby an acceptable scientific reliability may be shown which deviates from the ten-rolled fingerprints and other accepted standards for positive identification.    The Council endorsed pilots involving less than ten-rolled fingerprints to be conducted by the FBI's CJIS Division in conjunction with the state/federal agency willing to conduct such pilots.    The pilot should produce appropriate statistical and scientific analysis of the results to be brought before the Council for a discussion of the pilot's merits.    Furthermore, the Council concluded that the definition in Article I (20) of the Compact speaks of a "comparison of fingerprints" without specifying how many fingerprint images; therefore, the definition is flexible enough to accommodate any future position the Council may favor concerning using less than ten-rolled or flat fingerprints.

**Topic 7**            **Status Update on the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003**

Mr. Allen W. Nash, FBI's CJIS Division staff, presented information about the PROTECT Act, which was signed into law on April 30, 2003 (**Attachment 5**).    Section 108 of the PROTECT Act requires the United States (U.S.) Attorney General to establish a pilot program for volunteer groups to request and obtain state and national fingerprint-based background checks on volunteers.    The three groups specified to submit fingerprints under this Act are the National Mentoring Partnership (NMP), the Boys and Girls Clubs of America (BGCA), and the National Council of Youth Sports (NCYS).    The pilot program consists of two parts, the state pilot program and the child safety program.

The National Center for Missing and Exploited Children (NCMEC) met with the volunteer groups to establish the criteria to determine an individual's suitability to work with children.    A pilot was launched on July 29, 2003 and the first fingerprint submission was received on September 10, 2003.

Mr. Nash explained that the volunteer organizations receive a red, green, or yellow light, or meets criteria, does not meet criteria, or may not meet criteria.    The volunteer organizations decided to receive the reason for an individual's disqualification to provide individuals an opportunity to explain the circumstances for the disqualifying reason.    Therefore, the FBI's CJIS Division established a method for the individual to obtain a copy of their criminal history record by completing and submitting a notarized form to the FBI's CJIS Division.    The form must include the subject's name and the unique transaction number from the completed background check.    The FBI's CJIS Division provides a copy of the criminal history record to the individual and/or the organization.



The NMP established a web-based program whereby national mentoring organizations may register for the program and request forms and fingerprint cards. The organization's submit their fingerprint cards to the NMP located in Alexandria, Virginia by mail. Also, the NMP has a dial-up line, a computer, and a scanner. They scan the cards and submit those electronically to the FBI. The FBI's CJIS Division responds electronically to NCMEC.

The BGCA originally intended to submit fingerprint cards through the Office of Personnel and Management (OPM), but has submitted fingerprints directly to the FBI's CJIS Division. The OPM provided BGCA with a LiveScan device, which BGCA has yet to utilize. The FBI's CJIS Division converted the manual fingerprint submissions to electronic ones and provided responses electronically to NCMEC.

The FBI's CJIS Division agreed to waive the fingerprint fee for July 2004, to promote the program and increase the fingerprint submissions. Tennessee and Virginia have also agreed to waive their fee for July 2004.

Major Huguley, Chairman of a SEARCH Ad Hoc Committee formed to consider recommendations concerning the national records check process, reported that the SEARCH Ad Hoc Committee met telephonically. The SEARCH Ad Hoc Committee members agreed that further study is needed to assess the impact and trends regarding fees and national record checks. The SEARCH Ad Hoc Committee suggested research and a study be conducted regarding a national record check fee that would reimburse states for non-federal national records checks for noncriminal justice purposes. Fee-sharing would assist to offset a state's potential revenue loss resulting from direct fingerprint submissions to the FBI's CJIS Division. The SEARCH Ad Hoc Committee members expressed their concern about potential loss of revenue should the trend continue toward direct fingerprint submissions to the FBI's CJIS Division. The practicality of such a fee, including how to collect it, to ensure accountability, and to accomplish reimbursement, should be included in the research and study. The SEARCH Ad Hoc Committee members expressed their interest in accountability and custody of CHRI.

**Compact Council Action: Mr. Rehmann made a motion to request that the Council Chairman appoint an Ad Hoc Committee to research the issue of fees relating to fingerprint submissions that bypass the state identification bureaus. The Committee is to report back to the Council at the next Council meeting. Ms. Uzzell seconded the motion. The motion carried.**

## **Topic 8            Sanctions Committee Report**

Ms. Uzzell, Chairman of the Sanctions Committee, presented a brief overview of the four handouts provided with the meeting staff papers:

**Handout #8-a** - Compact Council Procedures for Compliant Conduct and Responsible Use of the Interstate Identification Index (III) System for Noncriminal Justice Purposes (Sanctions Rule)

**Handout #8-b** - Summary of Recently Conducted National Fingerprint File (NFF) and Noncriminal Justice Agency (NCJA) Audits

**Handout #8-c** - FBI NFF Audit Methodology

**Handout #8-d** - FBI NFF Sampling Standards for National Fingerprint File FBI Qualifications

Ms. Uzzell stated the Sanctions Rule (Handout # 8-a) was approved by the Council at its October 2003 Council meeting. Changes made by OGC were incorporated into the proposed Sanctions Rule. Ms. Uzzell also mentioned a change made on page 11 of the rule based on a CJIS APB motion and a subsequent conversation with the Chairman of the CJIS APB's Sanctions Subcommittee in December 2003. When the Sanctions Rule was presented to the CJIS APB's Sanctions Subcommittee, Ms. Uzzell advised that they had concerns regarding the jurisdictional issue and its application regarding sanctions. The two Sanctions bodies, the CJIS APB and the Council, agreed to consider jurisdictional issues as they develop.

Ms. Uzzell requested a change in the wording on page 11 of the Sanctions Rule to add language to clarify that the offending agency's response letter would be routed through the appropriate state authorities prior to being forwarded to the Council or the FBI's CJIS Division. Ms. Uzzell asked the FBI's CJIS Division Council staff to incorporate this language into the Sanctions Rule.

Attachment 8-b was provided to the Council for information. Attachment 8-c was approved in concept by the Council at its October 2003 meeting. The Audit Methodology includes the makeup of the audit team. Attachment 8-d was sent to Council members for review; however, no comments were received.

Ms. Uzzell thanked the FBI's CJIS Division Council staff and the FBI's CJIS Division's Audit staff and commended them for their work with the Sanctions Committee on the proposed Sanctions Rule and procedures.

**Compact Council Action:** Mr. Sim made a motion that the Council adopt the Sanctions Rule as a Final Rule in the Federal Register provided that there are no substantial changes received during the review process by OLC. Ms. Schenker seconded the motion. The motion carried.

**Compact Council Action:** Ms. Uzzell made a motion that the Council adopt the FBI NFF Audit Methodology as a procedure. Lt. O'Brien seconded the motion. The motion carried.

**Compact Council Action:** Ms. Uzzell made a motion that the Council adopt the Sampling Standards for NFF FBI Qualifications as a procedure. Mr. Sim seconded the motion. The motion carried.

## **Topic 9**      **Legislative Update**

Mr. Danny Moye, FBI, presented this topic. The purpose of this topic was to provide an overview of enacted and pending federal legislation, introduced in the 108th Congress, that may impact the FBI's CJIS Division and its user community. Mr. Moye stated that any questions regarding the legislative update should be referred to him or Ms. Melody Ferrell of the FBI.

**Compact Council Action:** This topic was accepted for information only.

## **Topic 10**      **Record Screening Rule**

Ms. Barron presented information regarding the Record Screening Rule and comments received from OGC. At the Council's January 8-9, 2002 meeting, the Council approved a motion to adopt the Record Screening Rule with the understanding that the supplementary information accompanying it would be modified to reconcile the changes with the proposed agreements with nonparty states. The Council's agreements with nonparty states were finalized as a Memorandum of Understanding (MOU) and former Chairman Rehmann distributed them to nonparty state representatives at the January 2003 SEARCH Group meeting. The MOU between nonparty states and the Council ensures III System policy compliance until such time that those states enact the Compact. The Record Screening Rule contains the comments (highlight/strikeout) from the most recent OGC review. Subsequently, FBI's CJIS Division Council staff revised the preamble language of the Rule and forwarded it to the OGC for review and comment. Subsequently, FBI's CJIS Division Council staff revised the preamble language of the Record Screening Rule and forwarded it to OGC for review and comment. The Record Screening Rule contains the comments (highlight/strikeout) from the most recent OGC review.

The Council made an additional change to the language regarding nonparty states signing an MOU with the Council that ensures system policy compliance and adherence to the Council's rules, procedures, and standards for the noncriminal justice use of the III System.

The revised language is as follows:

**The user agreements MOUs between Nonparty States and the Compact Council as facilitated by the FBI (~~will help~~) (~~is~~ are one mechanism) to ensure system policy compliance until the states become Compact signatories.**

**Compact Council Action:** Mr. Sim made a motion to accept the Record Screening Rule as proposed for final adoption with the following change in the language on page 3 of the Rule. Mr. Heppner seconded the motion. Motion carried.

**Topic 11**      **Standards Committee Report on Opinion of Whether Criminal History Record Information (CHRI) Can be Passed to a Nongovernmental Entity**

Mr. Moye presented this topic. At the October 2003 Council meeting, the Council asked the following question: Can the FBI point to particular authorization in the PROTECT Act that allows dissemination of CHRI to a nongovernmental entity, or is this practice a broad option that is permissible under the National Child Protection Act of 1993? The Standards Committee discussed this issue at the February 2004 and April 2004 meetings. Mr. Moye discussed regulations, public laws, and statutes that provide guidance for the dissemination of CHRI. Then, he discussed the language in Article IV of the Compact regarding state statutes that may authorize the dissemination of CHRI to a nongovernmental agency. Mr. Paul Woodard, SEARCH Group, stated that Article IV does not indicate a specific approval under Public Law 92-544, but might lead to different interpretations not intended to be the standard for approval of state statutes. Mr. James P. Gray, FBI, commented that the language might have been the U.S. Congress's attempt to include the entire noncriminal justice user community authorized to receive CHRI. The U.S. Congress included the term nongovernmental agencies so as to not exclude the private banking industry, securities industry, nuclear power plants, nursing facilities and home health care agencies from this provision of the Compact. Likewise, the U.S. Congress included the language allowed by a statute approved by the U.S. Attorney General, so as not to exclude from this provision of the Compact those state statutes approved by the U.S. Attorney General pursuant to Public Law 92-544.

Mr. Moye added that no matter which interpretation of Article IV one accepts, a review and approval by the U.S. Attorney General is required. Mr. Moye also mentioned that the FBI's Access Integrity Unit will need guidance from the DOJ and OGC in order to deviate from the current practices of distributing CHRI.

**Compact Council Action:** No action at this time.

**Topic 12**      **HUD Memorandum of Understanding**

Mr. Moye presented this topic. Mr. Moye explained that this topic resulted from a conversation with Mr. Rehmann during the April 2004 Standards Committee meeting. Mr. Rehmann mentioned an MOU between the Department of Housing and Urban Development (HUD) and the DOJ. He explained that the MOU was intended to be a 6-month agreement with the intent of making it permanent. The MOU set forth the requirements for HUD and DOJ to conduct name based checks on individuals who applied for public housing. The MOU authorized a Public Housing Authority (PHA) to conduct III System name based checks via a local law enforcement agency. If the III System check resulted in a hit, the PHA had to submit fingerprints. If there was no indication that an applicant was indexed in the III System, the PHA would do nothing more.

The catalyst for this MOU came about because of the Housing Opportunity Program Extension Act of 1996, 42 USCA §1437d (**Attachment 6**). This statutory mandate is still in effect. The MOU, likewise, is still in effect, although expired without being updated. The MOU has been redrafted and has been forwarded to the U.S. DOJ for review.

The Council has sent letters to HUD in the past, explaining that the MOU has expired and asked to discuss this issue with the Council. To date the Council has not received a response from HUD. After discussing this issue, the Council felt that the CJIS APB should also get involved to attempt to bring HUD to the table to address this issue. Mr. Frank Sleeter, CJIS APB representative to the Council, stated he would address this issue with the Chairman of the CJIS APB.

**Compact Council Action: No action at this time.**

## **OTHER BUSINESS**

Next, Mr. Rehmann, on behalf of the Council, acknowledged Chairman Harmon for his leadership and commitment to the Council.

Chairman Harmon explained that this would be the last meeting for himself, as well as, Ms. Varnon and Major Mark Huguley. Chairman Harmon thanked Ms. Varnon and Major Huguley for their work and contributions during their tenure on the Council.

Mr. Kirkpatrick then thanked Ms. Varnon for her work with the Council and especially her work on the Dispute Adjudication Rule. He presented her with a letter and certificate from the FBI. Ms. Varnon represented the federal criminal justice community but has since changed jobs. Her seat will be filled by a representative from the Department of Homeland Security once the U.S. Attorney General makes the appointment.

Next, Mr. Kirkpatrick presented Major Huguley with a letter and certificate from the FBI's CJIS Division. Major Huguley is retiring after a distinguished career with the South Carolina Law Enforcement Division, and will become an Intelligence Officer with the FBI in Columbia, South Carolina. Mr. Kirkpatrick thanked Major Huguley for his work as Vice-Chairman of the Council and his work on a number of other Council items. Mr. Kirkpatrick also thanked Major Huguley for his participation as a member of the CJIS APB's Southern Working Group.

Finally, Mr. Kirkpatrick presented Lt. Colonel Harmon with a letter and certificate from the FBI's CJIS Division. Lt. Col. Harmon is retiring from the Maine State Police to work in the private sector. Mr. Kirkpatrick thanked him for his leadership as both Chairman and Vice-Chairman of the Council and his work with the CJIS APB.

The next item of business was the election of Council Chairman and Vice-Chairman. This was a special election due to both offices becoming vacant. Mr. Kirkpatrick, conducted the election of the Council's Chairman. He reviewed applicable Sections 7.2, 7.3, and 7.4 of the Bylaws regarding elections. He then opened the floor for Chairman nominations. Mr. Heppner nominated Ms. Uzzell. Ms. Schenker seconded the nomination. No other nominations were made for Chairman.

**Compact Council Action: Mr. Rehmann made a motion to close the nominations for Chairman. The motion was seconded by Lt. O'Brien Ms. Uzzell won the election by acclamation.**

Mr. Kirkpatrick then turned the meeting over to Chairman Uzzell to conduct the election for Council Vice-Chairman. Mr. Sim nominated Ms. Schenker. Mr. Heppner seconded the motion. No other nominations were made.

**Compact Council Action: Ms. Varnon made a motion to close the nominations for Vice-Chairman. The motion was seconded by Mr. Rehmann. Ms. Schenker won the election by acclamation.**

The meeting was adjourned at 3:42 p.m.

## **May 18-19, 2004 Compact Council Attendee List**

Lana Adams	U.S. OPM-CFIS
Nancy Altman	Department of State
Robert Armstrong	Colorado Bureau of Investigation
Gary Barron	Federal Bureau of Investigation
Paula Barron	Federal Bureau of Investigation
Curtis Bass	Mississippi Department of Public Safety
John Berry	Transportation Security Administration
Evelyn Best	Metropolitan Police Department
Casey Blackford	Oklahoma Department of Public Safety
Virgil Boerio	Federal Bureau of Investigation
David Bolme	Identix Identification Services
John Booth	Florida Department of Law Enforcement
David Boyd	Department of State
Wendy Brinkley	North Carolina State Bureau of Investigation
Frank Campbell	U.S. Department of Justice
Todd Commodore	Federal Bureau of Investigation
Elaine Cropper	Cropper & Associates, Ltd.
Kimberly Del Greco	Federal Bureau of Investigation
Kathy Dillaman	Office of Personnel Management
Stacye Dorrington	Montana Department of Justice
Stacy A. Dougherty	Arkansas Crime Information Center
Daniel Failla	Connecticut Department of Public Safety
Jonathan Frenkel	Department of Homeland Security
James Gray	Federal Bureau of Investigation
Harry Halden	Sagem-Morpho
Jeffrey Harmon	Maine State Police

Ron Hawley	SEARCH
Paul Heppner	Georgia Bureau of Investigation
Robert Holloran	National Background Data, LLC
Mark Huguley	South Carolina Law Enforcement Division
Jeffery Kellett	New Hampshire State Police
Lori Kemp	Federal Bureau of Investigation
James Kessler, Jr.	Wachovia Corporation
Michael Kirkpatrick	Federal Bureau of Investigation
Eric Lapp	National Background Check, Inc.
Adrienne Leach	Federal Bureau of Investigation
Julie LeTourneau	Minnesota Bureau of Criminal Apprehension
Angell Magnani	Iowa Department of Public Safety
Timothy McGrail	Missouri State Highway Patrol
Robert McKeever	Maryland Department of Public Safety
Debbie McKinney	Oklahoma State Bureau of Investigation
Liane Moriyama	Hawaii Criminal Justice Data Center
Danny Moye	Federal Bureau of Investigation
Allen Nash	Federal Bureau of Investigation
Ronda Nunnally	Metropolitan Police
John O'Brien	New Jersey Division of State Police
Kimberly Parsons	Federal Bureau of Investigation
Mike Pearson	Smiths Heimann Biometrics
Jerome Pender	Federal Bureau of Investigation
Scott Phillips	Federal Bureau of Investigation
Michael Powers	Biometric Information Management
Wilbur Rehmann	Montana Department of Justice
Marcel Reid	Illinois State Police
Pam Ritchey	Iowa Division of Criminal Investigaton
Jeffrey Rossi	Ohio Bureau of Criminal Identification &
David Schade	Alaska Department of Public Safety



Diane Schenker	Alaska Department of Public Safety
Judi Schneider	South Dakota Division of Criminal Investigation
Carole Shelton	DPSCS CJIS-Central Repository
Daniel Shoemaker	USIS
David Sim	Kansas Bureau of Investigation
Frank Sleeter	Sun Prairie Police Department
Kim Smith	Federal Bureau of Investigation
June Still	Tennessee Bureau of Investigation
Monte Strait	Federal Bureau of Investigation
Scott Swann	Federal Bureau of Investigation
Richard Thomas	Arkansas Crime Information Center
Michael Timmerman	Arizona Department of Public Safety
Thomas Turner	Virginia State Police
Donna Uzzell	Florida Department of Law Enforcement
Winona Varnon	Office of Personnel Management
Ron Wadsworth	Identix Identification Services
Delbert Watkins	Department of State National Visa Center
Robert Wideman	Nevada Department of Public Safety
Barbara Wiles	Federal Bureau of Investigation
Gary Williams	Federal Bureau of Investigation
Jon Williams	Federal Bureau of Investigation
Erik Wolle	Identix Identification Services
Paul Woodard	SEARCH Group, Inc.
Martha Wright	Florida Department of Law Enforcement

**NATIONAL FINGERPRINT FILE (NFF)  
PARTICIPATION UPDATE**

Clarksburg, WV

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**National Fingerprint File (NFF)  
Progress**

May 18, 2004  
Programs Development Section

This is a map of the United States

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**NFF On-Site Request**

\*Assess need based on upgrades or participation readiness

\*Contact CJIS POC Gary S. Barron 304-625-2714

\*Once date is agreed upon, send written request to  
Monte C. Strait, Section Chief, Programs Development  
Section, CJIS

\*CJIS will confirm date in writing (at least 30 days prior)

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## **CJIS NFF On-Site Prep**

**\*Statistical Evaluation of:**

**IAFIS Errors**

**III Messages**

**CHR Traffic**

**Pointers**

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## **State NFF On-Site Prep**

**\*Review NFF On-Site Book  
(Provided 14 days prior)**

**\*Book includes: Statistical Assessment,  
NFF Quals, and the NFF Operations Plan**

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## **NFF On-Site**

**\*Review Stats, Quals , and Ops Plan (In Detail)**

**\*Identify State and FBI Action Items**

**\*CJIS will provide written On-Site assessment**

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## **NFF Participation**

**Step 1. – Contact CJIS POC to discuss intention**

**Step 2. – Conduct teleconference to discuss On-Site findings and action items**

**Step 3. – Identify target participation date**

**Step 4. – CJIS will review build dates to evaluate participation date**

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## **NFF Participation (Cont.)**

**Step 5. – Target date changed to participation date**

**Step 6. - State sends CJIS written request (must receive 8 weeks prior)**

**Step 7. – CJIS sends letter confirming part. date**

**Step 8. – CJIS schedules and tests system changes required for NFF participation**

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## **Getting Off The Ground.....**

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## Background Checks on Hazmat Truck Drivers Program Status

As of May 2004

### History of Program to Date

- **5 May 2003 IFR**
  - Enabled TSA to conduct name based criminal history records checks (CHRC) and "terrorist focused" checks on all drivers (3.5 million est. drivers nationwide)
  - Terrorist focused checks based on:
    - Basic data sources [watch lists (TSC), Interpol, SAVE (ICE), NCIC Wants & Warrants]
    - Advanced terrorist threat analysis
  - States transmit fingerprints to FBI for CHRC; TSA adjudicates fingerprint-based CHRC and terrorist focused check results and processes appeals and waiver requests
- **October 2003 TSA obtained authority to levy fees for cost of conducting background checks**
- **7 Nov. 2003, (5 May 2003) IFR amended; made the following changes:**
  - Moved fingerprinting start date to 1 April 2004
  - States could request extension, not to exceed 1 December 2004
- **6 April 2004, (5 May 2003) IFR published as Final Rule:**
  - TSA will conduct terrorist focused name checks on all 3.5 million drivers this year
  - Moved fingerprinting start date to 31 January 2005
  - Allows for development of pilot program prior to 31 January 2005
  - 21 April 2004 Began name-based security assessments on all 2.7 est. million drivers in collaboration with Bureau of Customs and Border Protection Bureau of Immigration and Customs Enforcement and Information Analysis Infrastructure Protection at Department of Homeland Security
    - Communicating Regularly with State Points of Contact

Attachment 3 DRAFT

2

### Present Situation

- Proposed Rule for fee under development
- IFR for processes related to security threat assessments under development
- IT System under development with deployment target date of 15 June 2004
  - Makes use of Commercial Drivers Licensing Information System (CDLIS) for acquiring data to conduct checks
  - Gain connectivity through AAMVA for exchange of information with State DMV
  - When appropriate, notify LEA through appropriate communication channels
- States assigning a POC to work with TSA in coordinating across agencies
  - TSA will release fingerprint collection & submission specifications through State POCs – scheduled release date May 24, 2004.

Attachment 3 DRAFT

3

## Moving Forward

- TSA is seeking Compact Council support to permit third party handling of Criminal History Record Information (CHRI)
- TSA government personnel staffing will not adequately support actions based on CHRI
  - Initial security threat assessment check on a driver
  - Appeals resulting from checks
  - Waiver requests
- Without augmentation of existing resources, there is potential risk for negative impact on drivers and industry
- Outsourcing would allow TSA to meet the demands of timely analysis and adjudication of the results of the security threat assessments
- TSA anticipates the Compact Council oversight role, security documentation and pertinent agreements are a critical path to outsourcing.
- TSA seeks to harmonize this effort with the Compact Council and the FBI to strike the proper balance
  - Address TSA's resource constraints
  - Assure appropriate controls and standards are maintained to address privacy and security concerns

Attachment 3 DRAFT

4

## Moving Forward Con't.

- Future pilot program will depend on TSA resource capability
  - TSA fee amount will not be final
  - "First call" on resources will be to ensure all states can begin fingerprint based checks 31 January 2005
- TSA will place emphasis on:
  - Communication with States – Discussions need to be running in tandem
    - Infrastructure to support fingerprint specifications?
    - Does the State have legal and resource capability to implement?
    - What is the extent of assistance required?
    - Resource challenges
  - Communication with industry
    - Goal is to minimize impact while not compromising security
- Consideration of Industry proposed solutions:
  - Fingerprinting & submission
  - Fee collection & disbursement

Attachment 3 DRAFT

5

## Moving Forward

- Communication is key
- Ultimate success will be tied to innovation
  - Regulatory and industry stakeholders partnering for solutions
  - All players sharing lessons learned
- The goal is a safer, more secure transportation system

Attachment 3 DRAFT

6

## National Fingerprint-based Applicant Check Study (N-FACS)

Gary L. Williams  
Project Manager  
Programs Development Section  
304-625-2849

Gary S. Barron  
Project Team Leader  
Programs Development Section  
304-625-2714

Scott Swann  
Project Engineer  
Information Technology Management Section  
304-625-2477

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## Creation of N-FACS

- In support of the III Name Check Efficacy Study and the recommendations of the PSS Subcommittee with the support of the Compact Council, Mr. Michael D. Kirkpatrick, the CJIS Assistant Director in Charge, tasked the CJIS Programs Development Section with assembling a team to conduct the National Fingerprint-based Applicant Check Study or N-FACS.

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## N-FACS Mission

To conduct a study and produce a final report exploring the feasibility of fielding a national, rapid, and positive fingerprint-based identification background check system for authorized non-criminal justice purposes.

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## N-FACS Mission Foundation

- Initial research identified various pilots with a common thread– flat fingerprints.
- In support of this Mission it was identified that flat fingerprints would be the cornerstone of this study.

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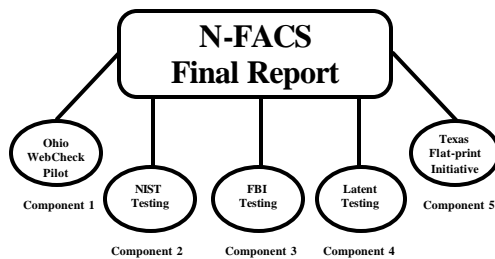
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## Components of the N-FACS



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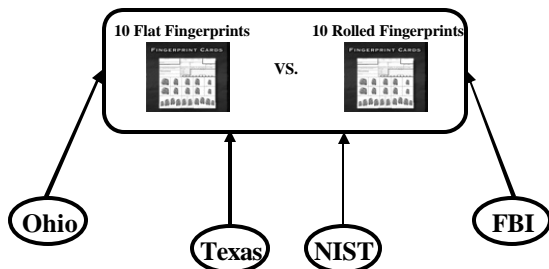
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## Submission Similarities



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## N-FACS Final Report

- All of the information gathered from the N-FACS has been compiled in the Final Report and will be submitted to the Compact Council and APB for review and recommendations.

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## AFIS Segment of IAFIS

AFIS/FBI is a system that provides: (1) repository maintenance services such as receipt, storage, and retrieval; (2) powerful search functions which attempt to match submitted fingerprints with fingerprints in the repository; and (3) fingerprint characteristics processing capability to derive unique aspects of fingerprints for storage and matching.

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## IAFIS Accuracy

**True Acceptance Rate (TAR) / Reliability**

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## IAFIS Filter Rate

= %CMF Passed to TP-ARG Match

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## Commonly Used Terms

- Ten-print Image Search (TPIS)
- True Acceptance Rate (TAR) = Reliability
- False Acceptance Rate (FAR) = Selectivity
- IAFIS Filter Rate
- Matcher Quality Index (MQI)
- Reference Count

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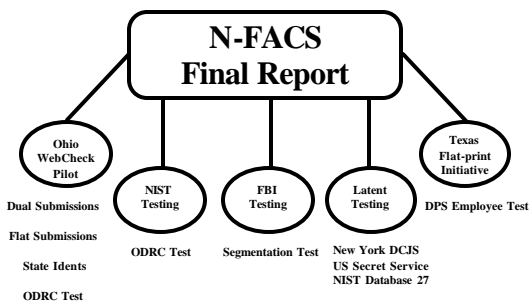
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## Outline N-FACS Test Results



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### Ohio WebCheck Pilot Overview

- July 1999 Ohio WebCheck began processing four-flats for state civil applicant checks
- August 2001 Ohio BCI&I and the FBI agreed to use ten flats for the pilot
- September 2001 Ohio BCI&I sent out the RFI
- December 2001 Ohio BCI&I selected Cross Match and Cogent Systems
- October 2002 the pilot became operational

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### Ohio WebCheck Testing

- Dual Submissions – Flats vs. Rolled
- Flats Only Submissions
- Ohio BCI&I State Idents
- Ohio Department of Rehabilitation and Correction (ODRC)

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### Ohio WebCheck Dual Submissions Test Summary

- Ten-rolled and Ten-flat images captured on each applicant
- Each submission processed as normal NFUF transactions
- Unique ORI for flats - preventing updates within the FBI's IAFIS
- Additionally, each submission generated a TPIS transaction comparing only the flat images vs. the rolled images

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## Ohio WebCheck Dual Submissions-Results

Ohio WebCheck Pilot Dual Transactions Received October 23, 2002 – February 10, 2003				
	Cross Match 442 Flats	Heimann LS2 Flats	Total Flat	Inked Rolled
TPIS Searches performed within IAFIS (feature searches)	469	586	1055	933
Average Filter Rate	8.64	5.45	6.87	6.52
Average Candidate Score	24594.09	29193.90	26784.48	27786.95
Average MQI (Matcher Quality Index)	52.46	60.75	57.04	79.80
Average Reference Count	45.49	38.90	41.85	40.97
Identifications or Candidates Returned Common to both Flat and Rolled	50	41	91	91
Known Misses	3	1	4	6
TAR/Reliability	94.3%	97.6%	95.8%	93.8%

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## Ohio WebCheck Flat Only Submissions Test Summary

- 02/05/2003 Meeting with Ohio BCI&I and FBI CJIS representatives
- Based on the initial results from the dual submissions and the additional burden placed on the pilot agencies to collect dual submissions eliminate duals and begin submitting only flat images for applicants through the pilot sites
- Each submission was processed as a normal NFUF transaction
- A TPIS transaction was generated on each flat submission to compare how the flat images performed

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## Ohio WebCheck Flat Only Submissions-Results

OWC Flats Only Pilot			
	Cross Match 442	Heimann LS2	Total
TPIS Submitted to IAFIS	5268	5690	10958
True Candidate Returned	865	767	1632
IDENT Rate	16.42%	13.48%	14.89%
False Candidate Returned	0	0	0
Known Misses	37	18	55
TAR / Reliability*	95.90%	97.71%	96.74%
FAR / Selectivity	0.00%	0.00%	0.00%
Average Filter Rate	9.51%	5.88%	7.63%
Average MQI	54.03	59.25	56.74
Average Reference Count	45.68	39.68	42.56
Average Score	24549.08	27539.49	25954.5
Rejects on NFUF (Image Quality Related Errors)	174	33	207
Reject Rate (Image Quality Related Errors)	3.30%	0.58%	1.89%

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## Ohio BCI&I State Idents Test Summary

- Ohio BCI&I provided the FBI with a total of 3,845 state civil flat applicant idents from past submissions (each submission identified had a corresponding FBI# for comparison)
- A TPIS transaction was generated on each flat submission to compare how the flat images performed

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## Ohio BCI&I State Idents-Results

	Cross Match 442	Heimann LS2	Total
TPIS Submitted to IAFIS	2660	1185	3845
Removed (Expunged)	5	3	8
Removed (Non-ident)	5	1	6
True Candidates Returned	2505	1142	3647
False Candidates Returned	0	0	0
Known Misses	145	39	184
Reliability (TAR)	94.53%	96.70%	95.20%
Selectivity (FAR)	0%	0%	0%
Average Filter Rate	7.82%	5.92%	7.23%
Average MQI	53.73	58.90	55.32
Average Reference Count	42.91	38.71	41.62
Average Score	26041.19	27399.80	26473.88

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## Ohio WebCheck ODRC Test Summary

- Ohio BCI&I working in conjunction with the ODRC fingerprinted 925 inmates on three different capture devices (two flat capture devices and a rolled live-scan)
- Ohio BCI&I provided the CJIS Division with each flat and rolled submission and the corresponding FBI# to conduct this test.
- Each flat and rolled submission was submitted as a full ten-print TPIS transaction (images only) and a subsequent TPIS search containing only 8 fingerprint images excluding the two thumbs.

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## NIST ODRC Test Summary

- Ohio BCI&I and the FBI provided the NIST with the data used to conduct the ODRC test
- NIST duplicated this test on their version of the Lockheed Martin Corporation (LMC) AFIS Test Bed (ATB)
- Each flat and rolled submission was submitted as a full ten-print TPIS transaction (images only) and a subsequent TPIS search containing only 8 fingerprint images excluding the two thumbs

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## Ohio WebCheck ODRC and NIST ATB-10 Finger Results

IAFIS	Cross Match 442 Flats	Heimann LS2 Flats	Identix TP-600 & Identix TP-2000 Rolled
TPIS Submitted to IAFIS	925	925	925
Rejects (No Fingerprint Images)	2	0	0
No FBI# in IAFIS	2	2	2
Candidates Returned	885	907	909
Misses	36	16	14
Reliability (TAR)	96.1%	98.3%	98.5%
Average Filter Rate	7.46%	4.63%	1.35%
Average MQI	53.28	60.74	111.05
Average Score	28056.27	30431.10	40342.92
Average Reference Count	40.85	35.74	28.88

NIST ATB	Cross Match 442 Flats	Heimann LS2 Flats	Identix TP-600 & Identix TP-2000 Rolled
TPIS Submitted to ATB	925	925	925
Reliability (TAR)	95.8%	97.5%	97.9%
Average Filter Rate	7.2%	4.5%	1.3%

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## Ohio WebCheck ODRC and NIST ATB-8 Finger Results

IAFIS	Cross Match 442 Flats	Heimann LS2 Flats	Identix TP-600 & Identix TP-2000 Rolled
TPIS Submitted to IAFIS	925	925	925
Rejects (No Fingerprint Images)	2	0	0
No FBI# in IAFIS	2	2	2
Candidates Returned	891	912	916
Misses	30	11	7
Reliability (TAR)	96.8%	98.8%	99.2%
Average Filter Rate	16.09%	10.89%	4.01%
Average MQI	53.28	60.74	111.05
Average Score	28056.27	30431.10	40342.92
Average Reference Count	42.96	37.32	29.01

NIST ATB	Cross Match 442 Flats	Heimann LS2 Flats	Identix TP-600 & Identix TP-2000 Rolled
TPIS Submitted to IAFIS	925	925	925
Reliability (TAR)	96.5%	98.2%	98.5%
Average Filter Rate	15.5%	10.5%	3.9%

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## FBI Segmentation Test Summary

- This test utilized the plain impressions from the original live-scan submission to create a separate flat image submission for processing within IAFIS. Keep in mind the flat impressions on these submissions were originally collected to verify sequence not for the purpose of searching.

## FBI Segmentation Test Summary

- The CJIS Division collected 12,307 transactions from two different state-of-the-art live-scan devices submitted to IAFIS
- Each of these ten-print transactions were received as a civil submission to IAFIS which subsequently identified to an existing FBI Number
- A hybrid of the IAFIS segmentation tool was used to segment the flat images from the civil submission creating a flat TPIS transaction

## FBI Segmentation-Results

FBI SEGMENTATION TEST						
	Flat Submissions			Rolled Submissions		
	Total	Live-Scan A	Live-Scan B	Total	Live-Scan A	Live-Scan B
TPIS Submitted to IAFIS	12307	5067	7240	12307	5067	7240
Removed (Expunged)	30	9	21	30	9	21
True Candidate Returned	9005	3305	5699	11853	4845	7008
False Candidate Returned	0	0	0	0	0	0
Known Misses	3272	1752	1520	425	205	216
TPAR / Reliability	73.35%	65.36%	78.94%	96.54%	95.87%	97.01%
TPAR / Selectivity	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Average Filter Rate	4.17%	4.28%	4.09%	2.48%	3.06	2.07%
Average MQI	55.56	55.31	55.74	94.96	90.69	97.94
Average Reference Count	33.57	34.91	32.63	32.09	33.49	31.11
Average Score	27996.33	26507.23	28860.3	42476.0	40482.01	43854.7

## Texas DPS Employee Test Summary

- The Texas Department of Public Safety (DPS) provided the CJIS Division with ten flat images collected on the Cross Match ID 1000 live-scan from 254 volunteer Texas DPS employees
- The Texas DPS also provided a set of rolled images from each employee acquired from paper cards utilizing a DBA Image Clear 5011031 card scan device
- Finger Orientation
- The rolled images were seeded into the NOE and each flat transaction was searched as a TPIS transaction

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## Texas DPS Employee-Results

SEGMENTATION TEST	
Prints Provided by Texas	195
Failed Segmentation	5
TPIS Submitted to IAFIS NOE	190
True Candidate Returned	160
False Candidate Returned	0
Misses	30
TAR / Reliability	84.2%
Average Filter Rate	5.4%
Average MOI	55.2
Average Reference Count	35.4
Average Score	21809.6

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## Latent Test Summary

- This test was intended to study the impact of searching latent submissions should file retention ever incorporate the storage of flat fingerprint images within the IAFIS repositories

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## Latent Test Summary

- Latents previously identified on an FBI record were provided to CJIS from the New York State Division of Criminal Justice Services (DCJS) (67 latents ) and the United States Secret Service (USSS) (304 latents ).
- Additionally, the NIST Special Database 27 was used as a resource for latent submissions (250 latents )

## Latent Test Summary (Cont.)

- Each ten-print rolled record associated with the latents collected were extracted from the IAFIS Criminal Master File (CMF)
- Both the rolled fingerprint images and the segmented flat impressions from each ten-print rolled record was seeded into the IAFIS Non-Operational Environment (NOE)
- The 621 latents collected were resubmitted to the IAFIS NOE optimistically anticipating both the seeded rolled and flat mates would be returned in the respective candidate list

## Latent-Results

<b>NIST SPECIAL DATABASE 27 (Good, Bad, &amp; Ugly)</b>	
Hit only roll	56
Hit only flat	17
Hit both roll higher score	46
Hit both flat higher score	34
Miss both rolled and flat	97
Total Submissions	250
<b>Rolled TAR</b>	<b>54.4%</b>
<b>Flat TAR</b>	<b>38.8%</b>

## Latent-Results

### Secret Service Summary

Hit only roll	91
Hit only flat	9
Hit both roll higher Score	115
Hit both flat higher score	98
Miss both rolled and flat	0
Total Submissions	313
<b>Rolled TAR</b>	<b>97.1%</b>
<b>Flat TAR</b>	<b>70.9%</b>

## Latent-Results

### New York DCJS Summary

Hit only roll	45
Hit only flat	7
Hit both roll higher Score	39
Hit both flat higher score	33
Miss both rolled and flat	1
Total Submissions	125
<b>Rolled TAR</b>	<b>93.6%</b>
<b>Flat TAR</b>	<b>63.2%</b>

## Potential System Changes

- RRI Filter
- CAXI Prescreen
- ARG Match
- New Technologies

## Reference Different IAFIS Workflow to Process Flats

Impression Type is a mandatory element of the Type-4 or Type -14 EFTS record.

Description	Code
Live-scan plain	0
Live-scan rolled	1
Non live-scan plain	2
Non live-scan rolled	3
Latent impression	4
Latent photo	6
Latent lift	7

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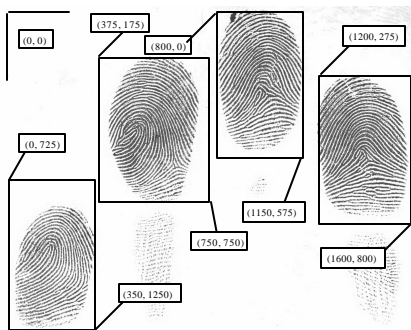
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## Type-14 Record




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## N-FACS Conclusions

- The N-FACS test results are encouraging
- Additional resources are required to process flat fingerprint-based transactions compared to resources required for rolled fingerprint searches
- Fingerprint identification reliability is affected by a number of factors: type of fingerprint image, capture equipment, operator training and experience, and the IAFIS algorithms

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### N-FACS Conclusions

- Enhancements have been identified to narrow the difference in rolled and flat accuracy
- The development of a standard for flat capture devices will assist in improving the consistency and quality of the captured images to insure the highest search accuracy

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### N-FACS Conclusions

- At this time, file retention is not recommended for any type of repository update which would replace a rolled image or rolled feature vector
- The long-term recommendation for file maintenance is to retain at least one rolled and one flat record in the IAFIS repositories

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### N-FACS Recommendations

- **No Implementation (future consideration)**  
Refer to page 61 of the N-FACS Report
- **Near-Term Implementation (within 6 months)**  
Refer to page 61 of the N-FACS Report
- **Delayed Implementation (1.5 years plus)**  
Refer to page 62 of the N-FACS Report

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N-FACS

## Questions

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PROTECT ACT

Status Report

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Attachment 5

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Protect Act

- Section 108 (a)(1)
  - Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish a pilot program for volunteer groups to obtain national and state criminal history background checks through a 10-fingerprint check to be conducted utilizing State criminal records and the Integrated Automated Fingerprint Identification system of the Federal Bureau of Investigation.

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Attachment 5

05/14/2004

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State Pilot Program

- The Attorney General shall designate 3 states as participants in an 18-month program.
  - Montana
  - Tennessee
  - Virginia
- A volunteer organization in one of the 3 states that is part of the Boys and Girls Clubs of America, the National Mentoring Partnerships, or the National Council of Youth Sports may submit a request for a 10-fingerprint check from the participating state.

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## Child Safety Pilot Program

- Attorney General shall establish an 18-month Child Safety Pilot Program that shall provide for the processing of 100,000 ten-print check requests from the designated volunteer organizations conducted through the IAFIS of the FBI.
  - FBI established procedures by which volunteer organizations would submit fingerprints.
- The following organizations may allot requests as follows:
  - 33,334 for the Boys and Girls Clubs of America
  - 33,333 for the National Mentoring Partnership
  - 33,333 for the National Council of Youth Sports

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## Fitness Determinations

- The National Center for Missing and Exploited Children makes the determination whether an individual has a criminal history record that renders him or her unfit to provide care to children.
- Fitness criteria:
  - All felonies.
  - Any lesser crime involving force or threat of force against a person.
  - Any lesser crime in which sexual relations is an element, including "victimless" crimes.
  - Any lesser crime involving controlled substances (not paraphernalia or alcohol).
  - Any lesser crime involving cruelty to animals.

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## Status of Background Checks\*

- Total submissions received – 1,669
- Total number of rejections – 337
  - Reject Rate = 20.19 percent
- Total submissions processed – 1,332
- Total number of identifications – 151
  - Identification rate = 11.34 percent
- Appeals received – 5
  - Two records contained subsequent updates

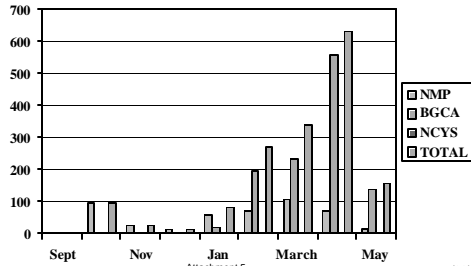
\* As of 05/06/2004

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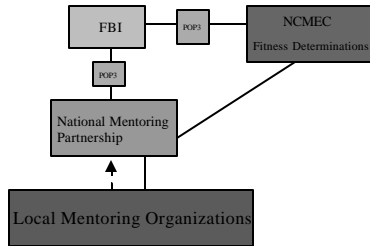
## Submissions Received



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## National Mentoring Partnership



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Electronic  
→  
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## National Mentoring Partnership

- 150 organizations enrolled in program/50 have submitted fingerprints
- 474 submissions
- 102 rejections
  - Reject rate = 21.76 percent
- 28 identifications
  - Identification rate (minus rejects) = 7.53 percent
- Average Response Time
  - FBI = 90 minutes
  - Total = 3-5 days

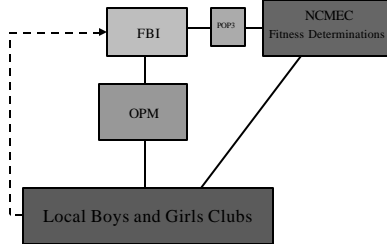
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## Boys & Girls Clubs of America



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Electronic  
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## Boy & Girls Clubs of America

- 78 clubs enrolled in the program/26 have submitted fingerprints.
- 1,128 submissions
- 230 rejections
  - Reject rate = 20.39 percent
- 121 identifications
  - Identification rate (minus rejects) = 13.47 percent
- Average Response Time
  - FBI = 7 business days
  - Total = 12 business days

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## Montana Department of Justice

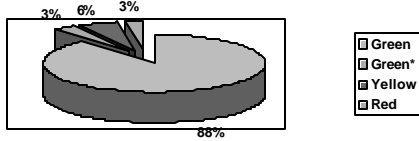
- Montana is using NCMEC to perform fitness determinations
- 68 total submissions
- 6 rejections
  - Reject rate = 8.82 percent
- 3 identifications (2 national and 1 state)
  - Identification rate (minus rejects) = 4.84 percent
- Average Response Time
  - October, 2003 = 25 days
  - November, 2003 = 16 days
  - February, 2004 = 17 days

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## Results of Fitness Determinations



\* Green with record

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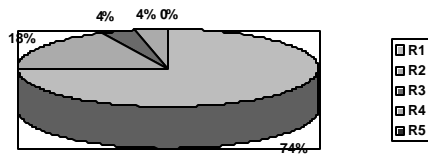
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## Breakdown of "Red" Lights



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## Summary of Charges

- Charges
  - Aggravated assault
  - Possession of controlled substance with intent to deliver
  - Attempted murder
  - Lewdness
  - Endanger welfare of a child
  - Sexual contact with a child under 16 years of age
  - Assault on a Police Officer
  - Rape 3/Indecent Liberties

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## Status of Feasibility Study

- Section 108 (d) directed the AG to conduct a feasibility study of current practices for performing background checks on individuals who work with children, the elderly or the disabled.
- Based on the findings of the feasibility study, the Attorney General shall submit to Congress an interim report, which may include recommendations for a pilot project to develop or improve programs to collect fingerprints and perform background checks on individuals that seek to volunteer with organizations that work with children, the elderly or the disabled.

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## Status of Feasibility Study

- The Interim Report was delivered to DOJ on April 15, 2004.
- Conclusions:
  - Current state of non-criminal justice background checks vary from state to state.
    - Processing time ranged from 1 to 42 days
    - System capacity ranged from 0 to unlimited
    - Fees ranged from \$6 to \$75
  - Obstacles to state participation in NCPA/VCA
    - Lack of supporting legislation.
    - Absence of state authorized agency to perform fitness determinations.
    - Lack of funding and resources.
    - Lack of uniform fitness criteria.

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## Status of Feasibility Study

- Even in states that authorize background checks, many volunteer organizations do not perform fingerprint-based background checks.
- Obstacles to participation
  - Cost of background checks.
  - Response time.
- Volunteer organizations are using alternative methods to screen volunteers.
  - State name checks
  - Commercial databases

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## Future Actions

- Continue running pilot program until January 2005.
- Complete research and analysis of criminal history record information:
  - State CHRI vs. FBI CHRI
  - FBI records vs. Public source databases
  - Civil applicant study
  - Effectiveness of fitness criteria
- Conduct additional research on state programs and commercial databases.
- Prepare final report to Congress due in March 2005.

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## Questions?

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(1) In general

(A) Provision of Information

Notwithstanding any other provision of law, except as provided in subparagraph (C), the National Crime Information Center, police departments, and other law enforcement agencies shall, upon request, provide information to public housing agencies regarding the criminal conviction records of adult applicants for, or tenants of, covered housing assistance for purposes of applicant screening, lease enforcement, and eviction.

(B) Requests by owners of project-based section 8 [42 U.S.C.A. § 1437f] housing

A public housing agency may make a request under subparagraph (A) for information regarding applicants for, or tenants of, housing that is provided project-based assistance under section 1437f of this title only if the housing is located within the jurisdiction of the agency and the owner of such housing has requested that the agency obtain such information on behalf of the owner. Upon such a request by the owner, the agency shall make a request under subparagraph (A) for the information. The agency may not make such information available to the owner but shall perform determinations for the owner regarding screening, lease enforcement, and eviction based on criteria supplied by the owner.

(C) Exception

A law enforcement agency described in subparagraph (A) shall provide information under this paragraph relating to any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(2) Opportunity to dispute

Before an adverse action is taken with regard to assistance under the subchapter on the basis of a criminal record, the public housing agency shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(3) Fees

A public housing agency may be charged a reasonable fee for information provided under paragraph (1). In the case of public housing agency obtaining information pursuant to paragraph (1) (B) for another owner of housing, the agency may pass such fee on the owner initiating the request and may charge additional reasonable fees for making the request on behalf of the owner and taking other actions for owners under this subsection.

#### (4) Records management

Each public housing agency shall establish and implement a systems of records management that ensures that any criminal record revealed by the public housing agency is–

- (A) maintained confidentially;
- (B) not misused or improperly disseminated; and
- (C) destroyed, once the purpose for which the record was requested has been accomplished.

#### (5) Confidentiality

A public housing agency receiving information under this subsection may use such information only for the purposes provided in this subsection and such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the agency and who has a job-related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance. For judicial eviction proceedings, disclosures may be made to the extent necessary. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this subsection to a public housing agency is used, and confidentiality of such information is maintained, as required under this subsection. The Secretary shall establish standards for confidentiality of information obtained under this subsection by public